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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,267	06/01/2006	Hirosuke Kawabata	062455	3159
38834 7590 07/08/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER JACKSON, MONIQUE R				
ART UNIT 1787		PAPER NUMBER		
NOTIFICATION DATE 07/08/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/581,267

Applicant(s)

KAWABATA ET AL.

Examiner

Monique R. Jackson

Art Unit

1787

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
4a) Of the above claim(s) 1-26 and 34-56 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 27-33, 57 and 58 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. The amendment filed 4/6/10 has been entered. New claims 57 and 58 have been added. Claims 1-58 are pending in the application. Claims 1-26 and 34-56 have been withdrawn from consideration. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 27-33 and 57-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Maurer et al for the reasons recited in the prior office action and restated below wherein the Examiner notes that the limitations "polarizer-protective film" and "polarizing plate" merely recite the intended use of the film or plate and do not provide any additional structural or material limitations to the claimed article to differentiate it from the teachings of Maurer et al.

3. Maurer et al teach intrinsically low birefringent molding polymers comprising a glutarimide structural unit that reads upon instant formula 1, a styrene structural unit that reads upon instant formula 3, and a methacrylate unit that reads upon instant formula 2, in contents that read upon the claimed weight range and molar ratio range of instant claim 30 (Entire document, particularly Col. 6, line 53-Col. 7, line 50; Col. 9-10.) Maurer et al teach that the glass transition temperature of the polymer is preferably at least about 145°C and that the polymers can be molded to produce substrates used as optical devices such as optical disks and lenses (Col. 3, lines 47-50; Example; reads upon claimed "polarization plate" comprising a film of the imide resin.) Though Maurer et al do not specifically teach the orientation birefringence and photoelastic coefficient of the resin as instantly claimed, the Examiner takes the position that the resin taught by Maurer et al would inherently possess the same orientation birefringence and

photoelastic coefficient given that the intrinsically low birefringent glutarimide resin taught by Maurer et al is the same resin comprising the same structural units in the same molar ratios as the instantly claimed resin.

Response to Arguments

4. Applicant's arguments filed 4/6/10 have been fully considered but they are not persuasive. With respect to Maurer, the Applicant argues that "Maurer fails to disclose a usage of its polymer as a polarizer-protective film included in a polarization plate for a liquid crystal display device or the like" and that the "presently claimed polarizer-protective film, as a product, is completely different from the substrate of Maurer" given that Maurer's substrate is a molded product with a much larger thickness than the claimed film produced by a melt extrusion or melt cast method. However, the Examiner notes that the instant claims fail to recite any particular thickness for the claimed film and hence Applicant's arguments with regards to thickness are not persuasive. As for the method of producing the instant film, the Examiner notes that the elected claims are directed to the product, not the process, and do not include any limitations with respect to melt extrusion or melt casting, though such product-by-process limitations also fail to provide any additional structural or material limitations to differentiate the claimed product from the product taught by Maurer. In terms of intended use of the film, the Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Hence, given that the structure taught by Maurer is **capable** of

protecting a polarizer in some fashion, or capable of acting as a polarization plate, the invention taught by Maurer reads upon the claimed invention.

5. Applicant's arguments of Fujii et al are persuasive and hence the rejections over Fujii et al have been withdrawn.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1787
July 5, 2010